

## **ZONING BOARD OF APPEALS**

**Wednesday, February 21, 2007**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

### **Present:**

**ZBA Members:** Tom Morgan, Chairman  
Alice Howard  
Fred Money  
William Orr  
David Peterson  
Tom Przytulski, Jr.  
Dan Roszkowski

### **Absent:**

**Staff:** Todd Cagnoni – Manager of Current Planning  
Jessica Ellwanger – Planner II  
Sandra Hawthorne – Administrative Assistant  
Jon Hollander – City Engineer, Public Works  
Kerry Partridge – City Attorney, Legal Department  
Mark Marinaro – Fire Prevention Division

**Others:** Kathy Berg, Stenographer  
Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Alice Howard to **APPROVE** the minutes of the January 17, 2007 meeting as submitted. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 7-0.

**079-06                      7XX North Lyford Road**  
Applicant                Rockford Mass Transit District  
Ward 1                    **Zoning Map Amendment** from C-2, Commercial Community District to C-3, Commercial General District and C-1, Limited Office District to C-3, Commercial General District  
**Special Use Permit for a Planned Mixed Use Development** for a Bus Terminal, Transfer Center, including joint development of retail spaces and parking  
**Laid Over from December and January meeting**

The subject property is located approximately 824 feet north of East State Street on the east side of Lyford Road and is currently vacant land. James A. Johnson, representing Rockford Mass Transit District reviewed the requests. Mr. Johnson stated a professionally conducted route study was completed which indicated a center was needed on the east side of Rockford to better serve the public by making routes available throughout the City. Mr. Johnson explained RMTD had received a grant for land and some engineering work. Out of several properties looked at and discussed with the City, this parcel is the best to serve the needs. This parcel adjoins C-3 zoning, and is not a parcel that would be readily pursued for retail because it is further east off of State than most business owners would prefer. There is substantial C-3 along the south side and for a short distance to the west. Photos of the site were presented. Mr. Johnson stated the photos show the subject property is quite a distance from East State from a visibility point of view because it is located in a low land area. There is dense tree cover along the eastern and northern border of the property.

Mr. Orr asked what the benefit of this location would be to citizens. Mr. Johnson explained that there are plans for more of a transit system in the future. Their goal is to have buses being able to transfer on the east side. Mr. Johnson also mentioned this location would open an opportunity to establish transit with Belvidere in the future.

Staff Recommendation was for Approval of all items with 4 conditions. Objectors were present.

There were several objectors from the DKN Partnership/Baymont Inn. Attorney Mario Tarara, representing the DKN Partnership, LLC/Baymont Inn, was present. He stated the proposed use is not consistent with the City's 2020 Plan. The current zoning of C-1 and C-2 is sufficient to sustain uses within 2020 Plan. Attorney Tarara pointed out that this area has natural resource uses, with a significant portion of the land being flood plain and wetland. He felt the flood plain aspect is detrimental to property in the neighboring area. He stated the Applicant's future use for parking, retail mix, volume in traffic, are items that are not detailed. Attorney Tarara also stated the traffic level will be negative to surrounding neighboring areas. Georgia Skoff, 662 N. Lyford Road General Manager of Baymont Inn stated the Greyhound Bus Terminal is located next to them. He stated some of the Greyhound Bus patrons come into their facilities. He stated they have panhandlers and people sitting between vehicles and have had to call police regarding patrons of Greyhound. Mr. Skoff stated Baymont Inn will have to make arrangements to protect their guests from panhandlers as well as an increase in foot traffic as a result of an increase in transients if the Applicant's proposal is approved. Norman Weitzel, also representing the Baymont, asked how recent the study was that Mr. Johnson spoke of. He feels the lack of visibility from State Street would not be beneficial to the use of the bus transit if people have difficulty finding it. He further stated this location is not conducive to travel to E. State businesses. Kirk Weitzel, also representing the Baymont, cited excessive noise he feels will result from the proposed bus terminal. He was concerned with the safety of his employees as well.

Ronald Sligar, 730 North Lyford Road, representing the Cracker Barrel Restaurant was present as an Objector. He feels the proposed use is not the best use of this commercial property. He stated the Cracker Barrel has similar problems from the existing Greyhound as the Baymont experiences. He feels diesel fuel odors would be an issue his patrons would have to deal with.

Alderman Joe Sosnowski was present as an Objector. He expressed his appreciation to the applicant for working with him during the past two months and delaying their application. He stated there is C-3 zoning in this area. There is a retirement facility that is scheduled to open during the summer of this year with approximately 60-80 residents. There is a condo development in the area, single-family a few blocks away, and a small single-family development directly across the street. He is concerned that this proposal will create heavy traffic use. Lyford is a small-use road. Alderman Sosnowski stated there are still large tracts of land under development in this corridor. He stated he feels this project is not a community need, but rather a "want". He pointed out that the study provided showed no reference to projected demand in the future of transit system. Alderman Sosnowski stated the scoring done by McDonald Transit showed the State Street/Lyford Road area received higher scores based on land density - higher than State/Mulford. He felt no alternative analysis was provided in this study. The study called for on-demand services to be more prevalent. He stated the City should push more towards redevelopment rather than raw land development. He further stated the 2020 Plan calls for light commercial/ mixed residential development in this area. Alderman Sosnowski said he would not support this project, but offered to work with Mass Transit in pursuit of other locations should this application not pass City Council.

In rebuttal, Mr. Johnson stated regarding the concerns of the 2020 Plan, Rockford Mass Transit is relying on the City's input as provided them during the planning stages of this project. He stated regarding the flood plain, a line has not been established and the flood plain is very conservative. The actual flood plain will be exactly determined upon purchase of the property and the Applicant's development will stay away from that determined area. He explained the submitted plan was sketchy because the Applicant was not assured as to whether or not rezoning can be approved before purchase. He stated RMTD is trying to make efficient use of the funds they have rather than produce a document that may not develop based on the result of this application. Regarding traffic, Mr. Johnson estimated approximately 6 buses an hour at

full capacity. He stated the RMTD facility would accommodate the needs of their passengers, which would take away the burden of requests on the hotel. Regarding the date of study, Mr. Johnson stated it was completed at the end of 2003. In discussion concerning the lack of view from State Street, Mr. Johnson explained the Applicant had to weigh the pros and cons of their terminal being easily seen as opposed to taking revenue away from the City by using other land that would bring in a higher tax revenue for the City, such as highly desirable retail space. He stated RMTD has tried looking further east as suggested by objectors but the price was prohibitive. He argued that most of the people on the bus are citizens that are using the buses for transportation, not transients or panhandlers. He noted the proposed facility is at the rear of the Cracker Barrel and that side of the proposed building would have a blank wall with no windows, a storage container for supplies, and an enclosed dumpster. Regarding Alderman Sosnowski's concerns for the elderly development and condominiums, Mr. Johnson stated that both of these residential developments are closer to E. State than the area they are requesting. E. State generates a higher noise and traffic level than what the RMTD facility would. He presented a photo of a view towards the existing retirement facility taken in the winter, showing that the retirement facility was barely visible even without foliage. In regards to the study, Mr. Johnson stated this study does not define the area specifically as East State & Mulford, but rather surrounding land and projected growth density. Because the area around Lyford is currently open land, it is understandable that the area would show a faster growth potential than that of E. State and Mulford where future development is limited due to the existing development. He said the study did not refer to lot sizes, but for potential for growth. Regarding alternative locations, Mr. Johnson stated studies are expensive. A study as wide as Alderman Sosnowski suggested would cost close to ten times that spent. Buses will not run 24 hours. The buses will be back downtown by 11:30 PM. The amount of time each bus spends at the station depends on the size of the bus, but Mr. Johnson stated he expects 5 to 10 minutes if going by the present facility. The time frame would be a result of time it takes passengers to transfer between vehicles. Mr. Johnson stated the proposed terminal would open up the possibility of getting passengers from other cities further north as a shuttle service to shopping areas, airport, train stations. etc.

A **MOTION** was made by Fred Money to **APPROVE** the Zoning Map Amendment from C-2, Commercial Community District to C-3, Commercial General District and C-1, Limited Office District to C-3, Commercial General District and to **APPROVE** the Special Use Permit for a Planned Mixed Use Development for a Bus Terminal, Transfer Center, including joint development of retail spaces and parking at **7XX North Lyford Road**. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 4-3 with Alice Howard, Tom Przytulski, and Tom Morgan voting Nay. Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire codes.
2. Submittal of a detailed site plan, landscaping plan and illumination plan for Staff's review and approval prior to issuance of a building permit.
3. Submittal of a building design elevation for Staff's review and approval prior to issuance of a building permit.
4. That a Tentative Plat and Final Plat is approved for the property in accordance with the City's Subdivision regulating inclusive of required public improvements to Lyford Road prior to issuance of building permit and development of site.

#### **079-06**

**Findings of Fact for a Special Use Permit  
For Planned Mixed-Use Development  
For a Bus Terminal, Transfer Center, Including Joint Development  
Of Retail Spaces and Parking in a C-3, Commercial General District at  
7XX North Lyford Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit for Planned Mixed-Use Development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit for Planned Mixed-Use Development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the Special Use for Planned Mixed-Use Development will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district. Many of the hotels serve as a bus transfer for people traveling to the O'Hare Airport and there are other bus terminals such as Greyhound and Van Galder facilities in the area. Therefore, other similar establishments exist in the general area, which would be consistent to the proposed use.
4. Adequate utilities, access roads, drainage and/or necessary facilities will be provided through review of the Subdivision Plat.
5. Adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets through review of the Subdivision Plat.
6. The special use shall conform to the applicable regulations of the C-3 Zoning District and conditions of approval.

**079-06**  
**Findings of Fact for a Zoning Map Amendment**  
**From C-2, Commercial Community District**  
**To C-3, Commercial General District at**  
**7XX North Lyford Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as CO-RM/C-CR; Commercial Office, Residential Medium Density, Commercial Retail/Entertainment Tourist.

**079-06**  
**Findings of Fact for a Zoning Map Amendment**  
**From C-1, Commercial Community District**  
**To C-3, Commercial General District at**  
**7XX North Lyford Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;

- b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as CO-RM/C-CR; Commercial Office, Residential Medium Density, Commercial Retail/Entertainment Tourist.

**001-07      2901, 2915, 2919, 2923, 2927, 2931 24<sup>th</sup> Street**

Applicant      James Johnson

Ward 6      **Zoning Map Amendment** from I-1, Light Industrial to R-2, Two-family Residential District and R-1, Single-family Residential District to R-2, Two-family Residential District for Tract I

**Special Use Permit for a Planned Residential Development** for existing two, two-family residences for Tract II in an R-2, Two-family Residential District

The subject property is located west of 24<sup>th</sup> Street, slightly less than a half mile east of 20<sup>th</sup> Street within Meadow Green Subdivision. This property was annexed in 1994 and consists of four vacant lots and two, two-family homes. James Johnson, Applicant, reviewed his request. Mr. Johnson stated he owns the surrounding property and would like to make it all parcels consistent as R-2 zoning. Nancy Johnson, adjacent ward Alderman, expressed her support.

Staff Recommendation was for Approval of both requests with 3 conditions. No Objectors were present.

Mr. Cagnoni City verified the availability of water main and sewer to both parcels.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Zoning Map Amendment from I-1, Light Industrial to R-2, Two-family Residential District and R-1, Single-family Residential District to R-2, Two-family Residential District for Tract I, and **APPROVAL** of the Special Use Permit for a Planned Residential Development for existing two, two-family residences for Tract II in an R-2, Two-family Residential District at 2901, 2915, 2919, 2923, 2927, 2931 24<sup>th</sup> Street. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 7-0. Approval is subject to the following conditions:

- 1. Submittal of elevation drawings prior to issuance of a building permit for staff's review and approval.
- 2. The existing driveways must be paved with either concrete or blacktop.
- 3. A re-plat must be approved and recorded prior to issuance of building permits.

**001-07**

**Findings of Fact for a Zoning Map Amendment  
From I-1, Light Industrial to R-2, Two-Family Residential District and  
R-1, Single-Family Residential District to R-2, Two-Family Residential District  
for Tract I in an R-2, Two-Family Residential District at  
2901, 2915, 2919, 2923, 2927, 2931 24<sup>th</sup> Street**

**Approval** of this Zoning Map Amendment is based upon the following findings:

- 1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a) This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding two-family uses;
  - b) This proposal protects the character, scale and stability of the adjacent residential uses because the proposed development will meet all development requirements as approved on the re-plat of this site; and

- c) The proposed map amendment would allow for a reasonable residential development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan

**001-07**  
**Findings of Fact for a Special Use Permit**  
**For a Planned Residential Development For Existing Two,**  
**Two-Family Residences for Tract II**  
**in an R-2, Two-Family Residential District at**  
**2901, 2915, 1919, 2923, 2927, 2931 24<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-2 Zoning District in which it is located.

<b>002-07</b> Applicant Ward 2	<b><u>615 North London Avenue</u></b> David E. Baumgardner <b>Variation</b> to increase the maximum square footage for an accessory building from 720 square feet to 864 square feet and to increase the width of driveway off an alley from 24 feet to 32 feet in a R-1, Single-family Residential Zoning District
--------------------------------------	---

The subject property is located approximately 275 feet south of the Rural Road and London Avenue intersection and is a single-family residence. David Baumgardner, Applicant, reviewed his request for Variation. Mr. Baumgardner stated he wishes to build a 864 square foot, three car garage which would also allow him extra storage. He provided photographs of other garages near his property. Mr. Baumgardner stated there has been vandalism to vehicles in the area and he feels the need to store his three vehicles inside. He agreed that a 30 x 24 foot garage would probably be large enough for the vehicles, but would not allow for extra storage. A 30 x 24 foot garage would meet code requirements.

Mr. Cagnoni stated he did not have information at the time of this meeting to comment on whether the photos Mr. Baumgardner provided on garages in the area required or had received any Variations.

Staff Recommendation was for Denial. No Objectors were present.

Chairman Morgan stated he understands the concern for protection against vandalism, but feels the proposed garage is very large. As a Builder, Mr. Przytulski stated he felt from his experience that a 30 x 24 garage was adequate. Alice Howard explained to Mr. Baumgardner that in an older neighborhood with smaller lot sizes, the protection of the vehicles may need to come over the desire for additional storage.

A **MOTION** was made by William Orr to **DENY** the Variation to increase the maximum square footage for an accessory building from 720 square feet to 864 square feet and to increase the width of driveway off an alley from 24 feet to 32 feet in a R-1, Single-family Residential Zoning District. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-2 with Tom Morgan and Tom Przytulski voting Nay.

**002-07**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Square Footage for an Accessory Building**  
**From 720 Square Feet to 864 Square Feet in a**  
**R-1, Single-Family Residential District at**  
**615 North London Avenue**

**Denial** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

**003-07                    252 South Mulford Road**

Applicant                Mark Clodius

Ward 14                    **Variation** to reduce the front yard setback from 30 feet to 17 feet along South Mulford Road in a C-2, Commercial Community Zoning District

The subject property is located at the intersection of South Mulford Road and Fincham Drive on the northwest corner and is a jewelry store. Mark Clodius and Monika Clodius, Applicants, were present. Mr. Clodius reviewed the request for Variation. He explained his business was bounded by 4 streets, 2 of which are private belonging to Forest Plaza. The Applicants wish to remodel and expand their business. He stated the expansion would not affect future road expansions. Mr. Clodius further stated their goal is to beautify the corner their business occupies and to make it something the community can be proud of. The Applicants are agreeable to installation of a sidewalk as part of conditions of approval.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present.

A **MOTION** was made by Alice Howard to **APPROVE** the Variation to reduce the front yard setback from thirty feet to seventeen feet along South Mulford Road in a C-2, Commercial Community Zoning District at 252 South Mulford Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 7-0. Approval is subject to the following conditions:

1. Submittal and approval of a detailed landscaping plan.
2. Submittal and approval of building elevations and site plan before building permit approval.
3. That sidewalks be installed along South Mulford Road and Fincham Road.

**003-07**

**Findings of Fact for a Variation  
To Reduce the Front Yard Setback from Thirty Feet to Seventeen Feet  
Along South Mulford Road in a C-2, Commercial Community Zoning District at  
252 South Mulford Road**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**004-07      940 and 950 North Rockton**

Applicant      Stenstrom Excavation/Rocky Castelli

Ward 7      **Special Use Permit for Planned Mixed Use Development** consisting of an existing Church and parking lot

**Variation** to allow landscaping as shown on the submitted plan in an R-2, Two-family Residential District

This property is located on the west side of North Rockton Avenue and is currently a church and unimproved parking lot. The church has been in existence since the 1920's. The parking area is unpaved and the applicant wishes to bring the property into compliance. Alderman Thompson-Kelly reviewed the requests, representing the Applicant. She stated the church is very supportive in the community and supports their efforts and this application.



Staff Recommendation was for Approval with 2 conditions. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for Planned Mixed Use Development consisting of an existing Church and parking lot, and to **APPROVE** the Variation to allow landscaping as shown on the submitted plan in an R-2, Two-family Residential District at 940 and 950 North Rockton Avenue. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 7-0. Approval is subject to the following conditions:

1. A parking lot permit and approval from Public Works Department is required prior to improvements to the site.
2. Improvements to the site must be in accordance with Exhibit E.

**004-07**  
**Findings of Fact for A Special Use Permit**  
**For a Planned Mixed-Use Development**  
**Consisting of an Existing Church and parking Lot**  
**In An R-2, Two-Family Residential District at**  
**940, 950 North Rockton Avenue and 1020 Bruce Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community. The proposed parking lot will provide off-street parking.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district. The church has been located at this site since mid 1920's.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the R-2 Zoning District in which it is located and conditions of approval.

**004-07**  
**Findings of Fact for a Variation**  
**To Allow Landscaping as Shown on Exhibit E**  
**in an R-2, Two-Family Residential District at**  
**940, 950 North Rockton Avenue and 1020 Bruce Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title. Based on Exhibit E, minimum Zoning requirements will be met.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located. Exhibit E will provide a wider buffer between the proposed parking lot and residence to the south.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**005-07                    2501 North Main Street**

Applicant                Vista Marketing / Williams McCarthy LLP

Ward 12                   **Special Use Permit** for a self-service gas station and car wash

**Special Use Permit** for package liquor sales that does not satisfy all Performance Criteria

**Variation** to reduce the rear setback from ten feet to three feet for Lots 20, 21 and 22 in an I-1, Light Industrial Zoning District

The subject property is located on the southeast corner of Willoughby Street and North Main Street and is currently vacant. Attorney Russell Anderson and William R. Williams III were present. Attorney Anderson explained Vista owned the property back in the 1970's and operated a gas station. When Ingersoll acquired the property, the station was demolished. Vista has recently repurchased the property and wishes to establish a self-service gas station, car wash, and convenience store. The only area within the 3 foot setback will be the car wash. Mr. Williams stated this is exactly the same plan as approved in the past with the only difference being the expansion of the canopy. The Applicant is agreeable to conditions of approval.

Staff Recommendation is for Approval of all requests with 3 conditions. No Objectors were present.

A **MOTION** was made by Tom PPrzytulski to **APPROVE** the Special Use Permit for a self-service gas station and car wash; **APPROVE** the Special Use Permit for package liquor sales that does not satisfy all Performance Criteria; and to **APPROVE** the Variation to reduce the rear setback from ten feet to three feet for Lots 20, 21 and 22 in an I-1, Light Industrial Zoning District at 2501 North Main Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 7-0. Approval is subject to the following conditions:

1. Meeting all applicable Fire and Building Codes.
2. Submittal of a revised Site Plan, Landscaping Plan, Illumination Plan, and Building Elevations for staff review and approval prior to Zoning Clearance for a building permit.
3. Package liquor sales are in conjunction with the convenience store as a secondary use.

**005-07**  
**Findings of Fact for a Special Use Permit**  
**For a Self-Service Gas Station and Car Wash**  
**In An I-1, Light Industrial District at**  
**2501 North Main Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1, Light Industrial Zoning District in which it is located.

**005-07**  
**Findings of Fact for a Special Use Permit**  
**For Packaged Liquor Sales that Does not Satisfy**  
**All Performance Criteria in an I-1, Light Industrial District at**  
**2501 North Main Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1 Light Industrial Zoning District in which it is located.

**005-07**

**Findings of Fact for a Variation  
To Reduce the Rear Setback from Ten Feet to Three Feet  
For Lots 20, 21, and 22 in an I-1, Light industrial Zoning District at  
2501 North Main Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**006-07                      1801 Samuelson Road**

Applicant                Michael & Melissa Kerz

Ward    N/A                **Annexation Agreement and Zoning Map Amendment** from County AG to City C-3, Commercial General District

**Special Use Permit** for a performance use of an outdoor theatre with retail sales of food and non-alcoholic beverages that cannot meet the performance criteria of 600 feet from a residential district

**Variation** from the parking requirement to improve all driveways and open off-street parking areas with a bituminous or Portland cement concrete surface to allow for gravel in the side aisles and grass for the parking spaces in an C-3, Commercial General District

The subject property is located in unincorporated Winnebago County and is adjacent to City property. This parcel was previously the Sunset Drive-In outdoor theatre. The applicant wishes to restore this use. Attorney Keith Hyzer, Mike & Mia Kerz Applicants, were present. Attorney Hyzer reviewed the requests of the Applicants. Photos of the site as it presently is were presented. Attorney Hyzer estimated this site was between 600 to 800 feet from the residential area. The property to the west and south is zoned for Industrial use. On the 2020 Plan this parcel is zoned as Light Industrial. Valley Pines condos is to the northeast. Attorney Hyzer explained that when the plats for these condos were filed, the outdoor theatre was operational on the subject property. He stated there is a substantial buffering of trees between the condos and the subject property. The existing drive-in screen on the far northwest corner of the property will be utilized. The land slopes towards the screen and the property was developed for this use in the past. Attorney Hyzer further explained that a preliminary site plan was done by R.K. Johnson and the Applicant is aware that a final site plan must be submitted as a condition of approval. The Applicants would like the drive-in theatre to be operational by the first of May. Attorney Hyzer stated this is a

seasonal business, open from May through October. He acknowledged that Mr. Kerz has substantial experience in this type of business.

Mr. Kerz explained their intent to reopen this theater, stating it will be a family-operated business. He provided a list of some of the movies planned, such as Spiderman 3, Shrek 3, Pirates of the Caribbean 3, Transformers, Harry Potter and the Order of the Phoenix. Mr. Kerz stated in other cities entertainment corridors have come up where drive-in's are. He believes the rejuvenation of this outdoor theater will help make Rockford a tourist destination, and will coordinate well with the existing water park. He stated the theater grounds will be patrolled on a regular basis. The Applicants plan to be open on the weekends in April, weather permitting, 7 nights a week in May through August, back to weekends after Labor Day and will shut down at the end of October. The property will be maintained during the off season, making it safer than it is now. Mr. Kerz explained that the sound system is now transmitted directly to the vehicle and much quieter than in the past. First run movies will be shown. The Applicants believe this redevelopment will provide entertainment, employment opportunities and enhance the community. It will spur the development of surrounding areas and help provide tax revenue.

Attorney Hyzer stated his clients did meet with the property owners of Valley Pines condos in January 2007 to discuss this project and addressed many of their concerns. He pointed out that Staff has recommended Approval.

In response to several Board questions, Mr. Kerz stated X rated movies would not be shown. He anticipates the theater to open around 7:00 PM, and vehicles will be exiting between 12:30 A.M. and 1:00 A.M. No alcoholic beverages will be allowed.

Staff Recommendation was for Approval of all requests with 6 conditions. Supporters and Objectors were present and a petition of objection was presented.

Rodney Bramlett, 4940 Lincliff Drive was present as a supporter. Mr. Bramlett stated he lives less than a quarter mile from the proposed development. Mr. Bramlett referred to a petition of support he had received. He stated he is in favor of the reopening of the drive-in theater because it is a family venue, in a safe situation. He believes patrons will be leaving in a respectful manner. Mr. Bramlett pointed out that the Applicants are willing to make an investment in an eyesore property that has been vacant for 20 years, and they are the only persons coming forth to invest in this property in all that time.

Alan Merchant, 1815 Woodland Lane was present as a supporter. Mr. Merchant feels this is an important development for Rockford. He pointed out the other 4 drive-ins in the area have closed. He stated he drives to other outdoor theaters several times a week during the operating season and welcomes the plans of the Applicant. He agreed this is a family-oriented environment and does not see a potential for vandalism or violence.

Jake Henry, 4125 Oaklane Road spoke in support of the Applicants' request. Mr. Henry stated the theatre was there long before the area homes were built, and the developer of those homes was the one who built within 600 feet from the theater.

Colin & Arianne Clarke, 1408 Roncevalles, were also present as supporters.

Gary McCluskey 2523 Revelation Lane. Mr. McCluskey believes there is only 5 feet of woods separating his lot from the Applicant's property line. The theater was originally zoned AG with a Special Use Permit, which has now run out. It is Mr. McCluskey's feeling that property values will drop if this application is approved. He is concerned with horns honking should there be an interruption in the movie.

Carol Voelz, 5082 Valley Pines Drive is with the Valley Pines Park Association. She stated she is representing the three condos that back up to the theatre. She explained Valley Pines is a senior citizen community, with residents in the age range of 60 on up. She agrees that the drive-in was in existence prior to Valley Pines being developed. She stated porno movies could be seen from her mother's driveway prior to its closing. She said there is a water retention area behind the residential development

and is concerned that the redevelopment of the theatre will create further problems. Property values, noise, and lights generated by the theatre are also concerns. She is anticipating that there will eventually be more condos and homes in the area.

Ruth Wagner spoke on behalf of her mother, Mildred Kay, 2687 Revelation Lane. She stated the memories of the outdoor theater were from 30 years ago when lifestyles were slower paced. Today residential has encroached on this area and progress has taken shape in the immediate area. She stated the theater property is zoned as AG in the county at this time. She pointed out that if this property is rezoned as C-3 it would also allow for other uses should this proposal not take place or become discontinued. Ms. Wagner feels this project will have a negative affect on property resale values. She is concerned the existing homes will be in the middle of an entertainment center. She suggested a rezoning of residential or C-1 which she feels would allow cohabitation with property owners. She also requested large berms be installed to prevent flooding and prevent patrons from coming on to the adjacent property. She expressed concern from dust as a result of the gravel roadways. Ms. Wagner pointed out that all intrusions of vehicles would take place in the early hours of the morning at a rate of 700 to 800 vehicles seven nights a week. She anticipates car doors opening and slamming for breaks, food, conversation between vehicles, and also a concern for the potential for alcohol and drugs being brought into the theater. During colder nights, vehicles could be running for heat. Some patrons could show up only for the second feature, coming in later at night. Mrs. Wagner stated the neighboring airport runways show the flight path will cause planes to go directly overhead when landing or take off. This will interfere with the movie sound and could result in horns blowing.

Eugene Allen, 2505 Revelation Lane stated he agrees with Ms. Wagner's concerns. He stated his residence is the first one near the entrance/exit to the Applicants property. He stated it is his feeling that alcohol will be prevalent. Mr. Allen stated he goes to bed at 9:00 P.M. and is concerned with noise.

Frank Johnson, 2551 Revelation Lane stated he is concerned with the type of people the Applicant's proposal would bring to the area, expresses there is a potential for vandalism to area property.

Alvin Nelson, 2615 Revelation Lane expressed his concerned with the times the theater will operate. He stated he knows from past experience that their property would not be protected. He explained some of the residents in this development are seasonal and all are elderly. He also expressed concern with traffic.

Dave Larson, DDS. 1800 Samuelson Road stated his family owns the property across the street from the proposed theater. He has seen this corridor developed over the past 50 years and feels the vision for this property does not fit in with the development of the area as it is now. Residential areas have become the overall vision for this corridor. Mr. Larson stated the Sunset Theater has never been "that great" and feels the best use of this property would be residential.

Jerry Smith, 327 North Church stated he feels this proposal could be accomplished if a large berm were installed.

In rebuttal, Attorney Hyzer stated he disagrees with the objections based on the fact that this is a residential area. Valley Pines is the only residential development in that area. He pointed out that past zoning changes have gone from residential to industrial. He pointed out the existing large amount of natural buffering, stating the cost of a berm across the entire property would be prohibitive. Attorney Hyzer further stated this property has been undeveloped for 20 years with no adjacent additional residential development during that time. He stated the Objectors themselves have pointed out that there are several UPS flights that go over this property after 10:00 PM. The property across the street has a large, ugly dumpster sitting on it. Attorney Hyzer asked the Board to consider the Staff's recommendation of Approval.

Mr. Kerz stated the proposed reopening of the theater will not include adding any new buildings. Planes will not affect sound, since the sound is broadcasted directly to the vehicles. He stated other drive-ins he has investigated do not show any affect by planes going overhead. Mr. Kerz expressed his desire to open the theater by early May. The actual preparation of the property should take approximately a month.

Chairman Morgan stated his one concern was the noise with vehicles exiting the facility at early morning hours. Alice Howard asked about the development order of the condos and previous Sunset Theatre. Mr. Cagnoni explained that the condo subdivision developed in two plats. The first plat was approved in 1983, and was recorded in 1984. The second plat was approved in 1986. The closure of the Sunset was in 1986, and the theater and the subdivision did coexist for a short time period. Mr. Cagnoni verified that the Sunset Theatre was closed due to the nature of the films that were being shown and his understanding is that the Special Use Permit had been allowed to lapse.

A **MOTION** was made by Fred Money to **APPROVE** the Annexation Agreement and Zoning Map Amendment from County AG to City C-3, Commercial General District; **APPROVE** the Special Use Permit for a performance use of an outdoor theatre with retail sales of food and non-alcoholic beverages that cannot meet the performance criteria of 600 feet from a residential district; and **APPROVE** the Variation from the parking requirement to improve all driveways and open off-street parking areas with a bituminous or Portland cement concrete surface to allow for gravel in the side aisles and grass for the parking spaces in an C-3, Commercial General District. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 5-2, with Dan Roszkowski and Tom Morgan voting Nay. Approval is subject to the following conditions:

1. The terms of the Annexation Agreement.
2. Compliance with all Building and Fire Codes.
3. Submittal of a final site plan for staff review and approval.
4. That the entrance and exit shall be improved with concrete or blacktop for public works review and approval.
5. That the dust control measures shall be taken to ensure dust is kept to a minimum.
6. That the property comply with City of Rockford noise regulations and that there shall be no installation of an outdoor speaker system.

006-07  
**Findings of Fact for a Zoning Map Amendment  
From County AG to City C-3, Commercial General District at  
1801 Samuelson Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood

**006-07**  
**Findings of Fact for a Special Use Permit**  
**For a Performance Use of an Outdoor Theatre with Retail Sales of Food**  
**and Non-Alcoholic Beverages that cannot meet the Performance Criteria**  
**of 600 Feet from a Residential District at**  
**1801 Samuelson Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Commercial General Zoning District in which it is located.

**006-07**  
**Findings of Fact for a Variation from the Parking Requirement**  
**To Improve all Driveways and Open Off-Street Parking Areas**  
**With a Bituminous or Portland Cement Concrete Surface**  
**To Allow for Gravel in the Side Aisles and Grass for the Parking Spaces**  
**In An C-3, Commercial General Zoning District at**  
**1801 Samuelson Road**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.



6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**007-07**                      **213-215 and 217 East State Street**  
 Applicant                Don Carlyle  
 Ward 3                    **Modification of Special Use Permit** Ordinance #2001-274-0 for  
                                  the brewing of beer, sale of liquor by the drink and the sale of packaged liquor approved  
                                  on December 10, 2001 for Parcel 1 to allow expansion onto Parcel II  
                                  **Special Use Permit** for outdoor sale of liquor by the drink for Parcel I and II in an C-4,  
                                  Commercial Oldtown District

The subject properties are located one block east of the Rock River on State Street in the central business district overlay of the C-4 Zoning District. The parcel at 213-215 East State Street is Carlyle Brewery. Don Carlyle, Applicant, reviewed the requests. The Applicant wishes to expand to the first floor of the building at 217 East State Street. Part of the expansion includes an outdoor beer garden located behind the building, which requires a Modification of the original Special Use Permit.

Staff Recommendation was for Approval of both requests, with 4 conditions. No Objectors were present.

A **MOTION** was made by Fred Money to **APPROVE** the Modification of Special Use Permit Ordinance #2001-274-0 for the brewing of beer, sale of liquor by the drink and the sale of packaged liquor approved on December 10, 2001 for Parcel 1 to allow expansion onto Parcel II; and to **APPROVE** the Special Use Permit for outdoor sale of liquor by the drink for Parcel I and II in an C-4, Commercial Oldtown District at 213-215 and 217 East State Street. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 7-0. Approval is subject to the following conditions:

1. The sale of liquor by the drink shall only be permitted in conjunction with an operating on-site brewery.
2. The sale of packaged liquor shall only be permitted in conjunction with an operating on-site brewery.
3. Meeting all applicable Building and Fire Codes.
4. Meeting City's code on outdoor sales of alcoholic liquor.

**007-07**  
**Findings of Fact for A Modification of Special Use Permit**  
**Ordinance #2001-274-0 for the Brewing of Beer,**  
**Sale of Liquor by the Drink, and the Sale of Packaged Liquor**  
**Approved on December 10, 2001 for Parcel I to Allow Expansion onto Parcel II**  
**In A C-4, Commercial Oldtown Zoning District at**  
**213-215 and 217 East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community. Beer produced on premises will be the only packaged liquor sold.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. Numerous other businesses in the vicinity have Special Use Permits for liquor sales.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-4, Commercial Oldtown Zoning District in which it is located.

**007-07**  
**Findings of Fact for a Special Use Permit**  
**For Outdoor Sale of Liquor by the Drink**  
**For Parcel I and II in a C-4, Commercial Oldtown Zoning District at**  
**213-15 and 217 East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-4 Commercial Oldtown Zoning District in which it is located.

<b>008-07</b>	<b>6178 11<sup>th</sup> Street</b>
	<b>24XX Blackhawk Road</b>
	<b><u>61XX 11<sup>th</sup> Street</u></b>
Applicant	Sonotta General Contractors
Ward N/A	<b>Annexation Agreement and Zoning Map Amendment</b> from County AG to City R-2, Two-family Residential District for Tract I and from County AG to City I-1, Light Industrial District for Tract II
	<b>Special Use Permit for Planned Residential Development</b> in an R-2, Two-family Residential District for Tract I

This property is located in unincorporated Winnebago County to the south of the City of Rockford and to the east of the Rockford Airport. The Applicants wish to annex all parcels to the City. Mr. Cagnoni clarified this applicant was comprised of two requests. Parcel I is being represented by Attorney Kostantacos, and Parcel II is represented by Attorney Russell Anderson.

Attorney Peter Kostantacos reviewed the requests. He explained the Applicant will develop 95 townhomes. The Applicants will be working with Staff on drainage, tree removal, and landscaping as part of a Tentative and Final Plat. He stated this project will lend stability to the area as well as having a favorable impact on the taxing bodies.

Attorney Russell Anderson reviewed the request for Special Use Permit. He stated this is a long-term plan and would be a private research and development facility. It would consist of a single building, for the Applicant's use only.

Penny Vanscoy, 6261 Balboa Street asked about the proposed road. She stated she is not in objection to the project. It was her understanding that the developer of this project did not plan on putting the street through, but that the City is requiring it. She asked if a barricade could be put up to prevent traffic from coming through the adjacent residential area. Jon Hollander from Public Works stated this would not be desirable because of emergencies, police and fire, garbage pick up and other services. He explained the street needs to be continued to allow for future development. Public Works does not expect to see a great deal of traffic through this development. Ms. Vanscoy stated her home is not part of the City of Rockford so would not be using City services. She asked if those on Balboa could connect to City services. Mr. Cagnoni explained water and sewer would stub to Balboa. Any extension would need to be negotiated with the Reclamation District.

Brad Dodd, 2390 New Milford School Road, adjacent property owner, stated his residential area has had several offers from New Milford regarding services and asked if this item could be Laid Over. Mr. Cagnoni explained Mr. Dodd's sewer is independent of the City of Rockford and again stated any negotiation regarding this service would need to be with the Reclamation District. He stated the City water main is located and available to service the subject property. The City of Rockford Subdivision Ordinance requires that all public utilities be provided for any development incurred in and within 1.5 miles of the City.

Neither Attorneys chose to rebut.

#### Tract I

A **MOTION** was made by William Orr to **APPROVE** the Annexation Agreement and Zoning Map Amendment from County AG to City R-2, Two-family Residential District for Tract I and to **APPROVE** the Special Use Permit for Planned Residential Development in an R-2, Two-family Residential District for Tract I. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 7-0. Approval is subject to the following conditions for Tract I only:

1. The terms of the Annexation Agreement.
2. Submittal of a Tentative Plan and Final Plat for City review and approval.
3. Submittal of a drainage study for staff review.
4. Submittal of a revised site plan for staff review and approval.
5. The building's front elevation shall be a replicate of Exhibit E.
6. Submittal of a revised landscaping plan for staff review and approval.

#### Tract II

A **MOTION** was made by William Orr to **APPROVE** the Annexation Agreement and Zoning Map Amendment from County AG to City I-1, Light Industrial District, for Tract II. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 7-0. No conditions of approval apply to Tract II.

**008-07**  
**Findings of Fact for a Zoning Map Amendment**  
**From County AG to City R-2, Two-Family Residential District**  
**For Tract I at**  
**6178 11<sup>th</sup> Street, 24XX Blackhawk Road, 61XX 11<sup>th</sup> Street**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood

**008-07**  
**Findings of Fact for a Zoning Map Amendment**  
**From County AG to City I-1, Light Industrial District for Tract II at**  
**24XX Blackhawk Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood

**008-07**  
**Findings of Fact for a Special Use Permit**  
**For a Planned Residential Development in an R-2,**  
**Two-Family Residential District For Tract I at**  
**6178 11<sup>th</sup> Street, 24XX Blackhawk Road, 61XX 11<sup>th</sup> Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Planned Residential Development will consist of single-family townhomes and the existing uses surrounding are single-family residences.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-2, Two-Family Residential Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 9:40 P.M.

Respectfully submitted

Sandra A. Hawthorne  
Administrative Assistant  
Planning Division/Community Development Dept.